

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF R.F. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

R.F., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the parent of a medically fragile child who sought a medical exemption in the South Huntington school district in New York for the 2019-2020 school year.
2. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.
3. My child suffers from seizure disorder, encephalopathy, pediatric autoimmune neuropsychiatric disorder associated with streptococcal infections (PANDAS), Autism and the MTHFR genetic mutation.
4. At the start of the 2019 school year, we submitted a medical exemption written by a physician licensed to practice in New York who is familiar with my child.
5. It was overruled and my son was kicked out of school.

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- 3 6. I had to reduce my hours at work so I could stay home with him. The financial toll has
- 4 been horrible. But much worse even is the toll on my son.
- 5 7. My son is non-verbal. He can't even speak to express himself and he needs his services
- 6 that the school now refuses to provide. He's become so depressed at home. He has
- 7 disengaged from everyone, even us his family. He just sleeps all day. In addition, Kyle's
- 8 older brother moved into a group home affiliated with their school. Kyle was on the wait
- 9 list to go in. Since he is no longer in school, he technically cannot be on the wait list to
- 10 go into the home with his older brother. We had planned long and carefully for that.
- 11 8. My heart is broken, and my family is in crisis. We need help. We cannot go against
- 12 medical advice and subject our child to harm. He deserves and needs his federally
- 13 guaranteed services though and an education. Our son has suffered so much.
- 14 9. Wherefore, I respectfully ask this Court to grant the relief and let our children remain in
- 15 school pending the outcome of this case.
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18 RESPECTFULLY SUBMITTED this 14 day of August 2020

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23 R.F.

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27 DECLARATION OF R.F. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION - 2

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